REMARKS

I. Summary of the Examiner's Action

A. Claim Rejections

As set forth in page 2 of the Office Action dated February 8, 2006 (hereinafter the "February 8 Office Action"), claims 5 and 15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

As set forth in page 2 of the February 8 Office Action, claims 1, 5 – 7 and 14 – 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Publication No. 2004/0198366 to Crocker *et al.* (hereinafter "the Crocker application").

As set forth in page 6 of the February 8 Office Action, claims 2 – 4 and 8 – 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Crocker application.

As set forth in page 8 of the February 8 Office Action, claims 11 – 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Crocker application in view of United States Patent Application Publication No. 2004/0203948 to Provost *et al.* (hereinafter "the Provost application").

These rejections are respectfully disagreed with, and are traversed below.

II. Applicants' Response – Claim Rejections

A. Rejection of Claims 5 and 15 under 35 U.S.C. § 112, second paragraph

Applicants have amended claims 5 and 15, thereby mooting the rejection of the claims on this basis.

B. Rejection of Claims 1, 5 – 7 and 14 – 17 under 35 U.S.C. § 102(e)

Applicants have amended independent claims 1, 7 and 15 to recite additional features of Applicants' invention. The additional subject matter corresponds, at least in part, to the subject matter of original claim 13 (now cancelled). Support for the amendments is found throughout the application; *see*, for example, Original claim 13; page 4, line 26 – page 5, line 4; page 6, lines 9 – 27. No new matter has been added by these amendments.

Claim 1 (as amended) is reproduced here (emphasis added):

> 1. A method for establishing a wireless data transfer connection between a remote application and a controlling application, where the wireless link from the remote application is implemented by a wireless terminal connected to the remote application, the method comprising:
>
> arranging a group of allowable connection parameter settings in a pre-determined order;
>
> attempting to use a default connection parameter setting;
>
> detecting that the default connection parameter setting for the wireless link is not usable;
>
> serially selecting another connection parameter setting for the wireless link from the group of allowable connection parameter settings in the pre-determined

order one-after-another until a usable connection parameter is found.

Applicants respectfully submit that it is not seen where the Crocker application either describes or suggests the emphasized subject matter of claim 1.

In particular, the methods and apparatus of Crocker operate in a different manner, by detecting the current operating conditions and selecting an alternate communications method in dependence on the detected operating conditions, as shown by paragraphs [0030]; [0031]; [0040]; and [0042] (emphasis added):

> "When a communication link fails before ever connecting to a call center or a connection that was established fails, information on the link failure type and the communication condition factors can be collected and evaluated by a software application in the telematics unit, as seen at block 240."

> "There are a number of factors that may influence the choice of communication link including the type of failure, the velocity of the mobile vehicle, the bit or frame-error rates of the voice or data channel, the location of the mobile vehicle, a criticality assessment of the information to be communicated, an assessment of the type of data to be communicated, the basis for the call, a delay impact assessment, a reconnect attempt elapsed time, a reconnect attempt number, and the availability of digital or analog coverage. One factor is whether there is digital or analog cellular coverage for the current location of the vehicle, which the telematics unit may detect. The location of the vehicle, such as in an urban area surrounded by large and tall buildings or mountainous terrain, also can be a factor influencing the choice of communication link. Geophysical data is available from the GPS unit in coordination with a geophysical database. Communication condition factors include, but are

not limited to, the number of call attempts, or the elapsed time for establishing connections. A reconnect attempt time period may be provided for establishing the second communication link. A reconnect attempt number limit may be provided for establishing the second communication link."

* * *

"When a digital connection is attempted, communications are routed through a digital modem, as seen at block 330. If the telematics unit is unsuccessful in establishing the digital link, it may try again to establish a communication link by using a digital cellular call, as seen at block 335, or transition to the next state, based on one or more condition factors and possibly the link failure type. Some reasons for unsuccessful transmission include failure of hardware such as a malfunctioning modem, a malfunctioning buffer, a high or low radio-frequency signal condition, a high frame-error rate, a high bit-error rate, or radio frequency channel problems. A setting of the wireless system may be adjusted based on the communication link failure, and a communication link may be established with the adjusted wireless communication system setting. A wireless system setting is, for example, a preferred wireless carrier type."

* * *

"Data is routed through several additional types of digital communication links, including short messaging service (SMS), digital data over the Internet, and digital voice call. The telematics unit may determine which communication link is the best choice for a certain type of communication and for establishing a communication link with the call center."

As is seen from these portions, the methods disclosed in the Crocker application in the event of failure of the default connection parameter, select the next connection parameter in dependence on operating conditions. The methods disclosed in the Crocker application do not serially select the next connection parameter from a

group of allowable connection parameter in a pre-determined order one-after-another until a usable connection parameter setting is found as in the case of Applicants' invention as now claimed. Instead, in the methods disclosed by Crocker, in the event of failure of the default connection parameter, a substitute connection parameter is selected on the basis of current operating conditions, *i.e.*, it is not pre-determined.

For the foregoing reasons, Applicants respectfully submit that independent claim 1 is patentable over the Crocker application. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn. Applicants respectfully submit that independent claims 7 and 15 are patentable for reasons similar to those recited with respect to claim 1, and for reasons attributable to their independently-recited features. Accordingly, Applicants respectfully request that the rejection of independent claims 7 and 15 be withdrawn as well. Applicants further submit that dependent claims 6 – 7, 14, and 16 – 17 are patentable both as depending from allowable base claims and for reasons attributable to their independently-recited features.

C. Rejection of Claims 2 – 4 and 8 – 10 under 35 U.S.C. § 103(a)

Applicants have amended claims 2 – 4 and 8 – 10, substituting "successful" for "succeeded". It is clear from the context that one of ordinary skill in the art would understand that "successful" was intended. In addition, support for the amendments is found at, for example, page 8, line 27 – page 9, line 9. Accordingly, no new matter has been added.

Applicants respectfully submit that claims 2 – 4 and 8 – 10 are patentable as depending from allowable base claims. In addition, Applicants submit the following additional remarks supporting the patentability of claims 2 – 4 and 8 – 10.

Applicants respectfully submit that it is not seen why it is obvious in view of the Crocker application that transmission is switched back to the default connection parameter after a pre-determined time. One of ordinary skill in the art, having the Crocker disclosure in mind, would more probably conclude that each data transmission attempt after a first occurs in accordance with the method actually disclosed in the Crocker patent, i.e., the current conditions are tested, and the communications method most suitable for current operating conditions is selected.

Further, the aspect of switching back to the default connection parameter setting is only taught by Applicants, so it is the epitome of hindsight to modify the Crocker disclosure in a manner that is only taught by Applicants.

D. Rejection of Claims 11 – 13 under 35 U.S.C. § 103(a)

Applicants have cancelled claim 13, thereby mooting the rejection of this claim. Applicants respectfully submit that dependent claims 11 – 12 are patentable as depending from allowable base claims and for reasons attributable to their independently-recited features.

III. Applicants' Response – New Claims

Applicants have added new claims, which are reproduced here for the convenience of the Examiner.

Claim 18 recites:

> 18. A method for establishing a wireless data transfer connection between a remote application and a controlling application, where the wireless link from the remote application is implemented by a wireless terminal connected to the remote application, the method comprising:
>
> detecting that a default connection parameter setting for the wireless link is not usable;
>
> determining if a command has been received from a controlling application changing an originally-defined order for selection of connection parameter settings to a new order and, if so, selecting a connection parameter setting in the new order established by the controlling application; and
>
> if no command has been received from the controlling application, selecting the connection parameter setting for the wireless link from a group of allowable connection parameter settings.

Support for the subject matter of claim 18 is found throughout the application as filed; *see*, for example, page 6, lines 25 – 35.

Claim 19 recites:

> 19. A method for establishing a wireless data transfer connection between a remote application and a controlling application, where the wireless link from the remote application is implemented by a

wireless terminal connected to the remote application, the method comprising:

arranging a group of allowable service operators in a pre-determined order, wherein a service operator ordered first comprises a default service operator;

arranging a group of allowable connection parameter settings in a pre-determined order, wherein a connection parameter setting ordered first comprises a default connection parameter setting;

attempting to use the default service operator;

if the default service operator is not usable, serially selecting another service operator from the group of allowable service operators in the pre-determined order one-after-another until a usable service operator is found;

detecting a need for a data transfer over the wireless link;

attempting to use the default connection parameter setting; and

if the default connection parameter setting is not usable, serially selecting another connection parameter setting from the group of allowable connection parameter settings in the pre-determined order one-after-another until a usable connection parameter is found.

Support for the subject matter of claim 18 is found throughout the application as filed; *see*, for example, page 7, lines 12 – 22.

Claim 20 recites:

20. A wireless terminal connected to a remote application, the wireless terminal comprising transmitting and receiving means, a memory, an application interface and a central unit,

where the central unit further comprises a control logic, the control logic operable to perform the following operations:

attempting to use a default connection parameter setting;

detecting that the default connection parameter setting is not usable;

selecting a connection parameter setting for the wireless link from a group of allowable connection parameter settings; and

serially selecting a service operator from a list of allowable service operators, wherein the list is in a prefer

Support for the subject matter of claim 20 is found throughout the application as filed; *see*, for example, page 7, lines 24 – 31.

Applicants respectfully submit that it is not seen where in any of the art of record, whether taken singly or in combination, the subject matter of new claims 18 – 20 is either described or suggested. Applicants therefore respectfully submit that new claims 18 – 20 are patentable.

IV. Conclusion

Applicants submit that in light of the foregoing remarks the application is now in condition for allowance. Applicants therefore respectfully request that the outstanding rejections be withdrawn and that the case be passed to issuance.

Respectfully submitted,

June 6, 2006
Date

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